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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,361	02/16/2000	John M. Packes JR.	99-025	6202

22927 7590 12/04/2002

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EXAMINER

CARLSON, JEFFREY D

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	Application No.	Applicant(s)
	09/505,361	PACKES ET AL.
	Examiner Jeffrey D. Carlson	Art Unit 3622

All participants (applicant, applicant's representative, PTO personnel):

(1) Jeffrey D. Carlson. (3) \_\_\_\_\_.

(2) Magdalena Fincham. (4) \_\_\_\_\_.

Date of Interview: 03 December 2002.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: Proposed claims 1 and 40 (attached in file).

Identification of prior art discussed: Buffalo News article.

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant to overcome 101 rejections by positively including at least issuance of a rebate. Applicant offers to alter proposed claims 1 and 40 by specifying that documentation normally used for the mail-in rebate is surrendered by the customer to the retailer/POS so as to prevent customer issuance of a mail-in rebate. Applicant plans to submit an additional claim that specifies that consumer data (such as address), normally used for issuing the mail-in rebate, will be provided to the retailer/POS when accepting the POS rebate. A step of verifying the data and a step of preventing mail-in rebate will be included so that the customer cannot be issued both POS and mail-in rebates. Claim 28 was given a 112 2ndP rejection. Applicant explains that whereas claim 1 includes issuance/printing of a POS rebate, the entity which calculates/determines the specific value is unspecified. Claim 28 adds a feature that the retailer determines/calculates the rebate value. Claims 29-33 to be canceled.

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Proposed Agenda for Telephone Interview

RE: Application No. 09/565,361; interview to be held on Nov. 19, 10:30am  
FROM: Magdalena M. Fincham, agent for applicants (Reg. No. 46,065)  
TO: Examiner Jeffrey D. Carlson

Applicants would like to discuss pending independent claims 1, 34, and 40. Particularly, Applicants would like to discuss the following with respect to each of these independent claims:

Independent claim 1:

Claim 1 stands rejected under 35 U.S.C. §§101, 112, and 102. Applicants propose the following amendments to claim 1, which amends Applicants submit overcome each of Examiner's rejections:

1. (AMENDED) A method, comprising:  
identifying a product associated with a first rebate, the first rebate being  
redeemable by mailing predetermined data associated with the first rebate to a first entity  
associated with the product;  
determining a second rebate associated with the product; [and]  
offering to a consumer, at a point-of-sale register operated by a second entity, the  
second rebate in exchange for the first rebate;  
obtaining, from the consumer, the predetermined data such that the consumer can  
no longer redeem the first rebate; and  
issuing the second rebate to the consumer.

Independent claim 34:

Claim 34 stands rejected under 35 U.S.C. §102 as being anticipated by the Buffalo News article of January 05, 1999. Applicants respectfully traverse Examiner's rejection for the following reasons: claim 34 recites "determining an alternative rebate" and "issuing the alternative rebate" to the consumer [emphasis added]. The term "alternative" means that

the issued rebate is to be taken in place of the first rebate, as the plain meaning of the word alternative indicates. The plurality of rebates taught by the Buffalo News article are cumulative rebates, in that they each may be used by a customer and the customer does not have to choose between them, as he does in the embodiments of Applicants claimed invention.

Independent claim 40:

Claim 40 stands rejected under 35 U.S.C. §103. Applicants propose the following amendment to claim 40, which Applicant submit overcomes Examiner's 103 rejection:

40. A method, comprising:  
identifying a product;  
identifying a first rebate and a second rebate associated with the product, wherein  
the first rebate is redeemable by mailing documentation to a first entity and the second  
rebate is redeemable at a point-of-sale terminal operated by a second entity;  
receiving an acceptance of the second rebate from a consumer;  
issuing the second rebate to the consumer; [and]  
receiving a request from the consumer to redeem the second rebate; and  
receiving data from the consumer that prevents the consumer from redeeming the  
first rebate.

Applicants appreciate the opportunity to discuss these issues with Examiner on  
November 19, 2002.

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